

House File 234

HOUSE FILE _____
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 80)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act transferring the powers and duties of the Missouri river
2 preservation and land use authority to the loess hills
3 development and conservation authority and providing effective
4 dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1249HV 80
7 av/cf/24

PAG LIN

1 1 Section 1. NEW SECTION. 161D.9 MISSOURI RIVER
1 2 PRESERVATION AND LAND USE.
1 3 1. LEGISLATIVE FINDINGS. The general assembly finds that
1 4 the Missouri river is an important natural resource to the
1 5 state of Iowa and that the creation of comprehensive plans
1 6 which lead to the purchase, development, and preservation of
1 7 land adjacent to the Missouri river will provide recreational
1 8 and economic benefits to the state and to the counties and
1 9 cities which border on the river. The general assembly
1 10 further finds that current planning and purchase efforts
1 11 relating to development of Missouri riverfront property have
1 12 fallen short of the goal of developing a comprehensive plan
1 13 for the recreational development of the Missouri river and
1 14 that giving the loess hills development and conservation
1 15 authority the mission of engaging in these efforts will have a
1 16 greater likelihood of reaching the desired goal.
1 17 2. DUTIES OF AUTHORITY.
1 18 a. The authority may engage in comprehensive planning for
1 19 and the development and implementation of strategies designed
1 20 to preserve and restore the natural beauty of the land
1 21 adjacent to and the water of the Missouri river through land
1 22 acquisition. Planning and implementation activities may be
1 23 coordinated with plans and implementation activities of the
1 24 department of natural resources for lands owned or acquired by
1 25 the department.
1 26 b. The mission of the authority is to research, develop
1 27 comprehensive plans, and implement strategies which emphasize
1 28 the creation of multipurpose recreational areas that foster
1 29 and accent the natural characteristics of the Missouri river
1 30 and which provide for environmentally sound land and water use
1 31 practices for land adjacent to the Missouri river; to
1 32 designate and prioritize for purchase parcels of land which
1 33 are located in areas critical for the environmental health of
1 34 the Missouri river waterway; to develop plans for and to
1 35 acquire parcels of land to establish a public greenbelt along
2 1 the banks of the Missouri river; to develop plans for public
2 2 recreational use of lands adjacent to the Missouri river,
2 3 including but not limited to a public bicycle trail; and to
2 4 cooperate with county and city authorities and federal and
2 5 state authorities in order to fulfill the mission of the
2 6 authority.
2 7 c. The authority may develop plans and proposals and
2 8 conduct public hearings relating to the conservation,
2 9 preservation, and acquisition of land adjacent to the Missouri
2 10 river. In developing plans and proposals, the authority may
2 11 consult with any person or organization which has interests
2 12 that would be affected by the acquisition and development of
2 13 Missouri river property in accordance with the mission of the
2 14 authority, including but not limited to utility companies,
2 15 municipalities, agricultural organizations, the corps of
2 16 engineers, rural water districts, soil and water conservation
2 17 districts, private water suppliers, business and industry
2 18 organizations, drainage and levee district associations,
2 19 benefited recreational lake districts, and any soil

2 20 conservation organizations. The authority may include a copy
2 21 of any plans and proposals and may document the results and
2 22 findings of those hearings in a report or series of reports.
2 23 d. The authority shall administer the Missouri river
2 24 preservation and land use fund established under subsection 3,
2 25 and shall deposit and expend moneys in the fund for the
2 26 development of plans for, development of, and purchase of
2 27 lands adjacent to the Missouri river and for annual payment of
2 28 property taxes on any land purchased. The county treasurer
2 29 shall certify the amount of taxes due the authority. The
2 30 assessed value of the property held by the authority shall be
2 31 that value determined under section 427.1, subsection 18, and
2 32 the authority may protest the assessed value in the manner
2 33 provided by law for any property owner to protest an
2 34 assessment. For purposes of chapter 257, the assessed value
2 35 of any property which was acquired by the authority shall be
3 1 included in the valuation base of the school district and the
3 2 payments made by the authority shall be considered as property
3 3 tax revenues and not as miscellaneous income. The expenditure
3 4 of funds may include, but is not limited to, use of moneys
3 5 from the Missouri river preservation and land use fund to
3 6 match funds from state, federal, and private resources.
3 7 e. The title to all property purchased by the authority
3 8 shall be taken in the name of the state, but land shall not be
3 9 acquired through condemnation proceedings and all purchases
3 10 shall be from willing sellers. The authority may transfer
3 11 jurisdiction over any lands the authority acquires to the
3 12 department of natural resources, or may enter into agreements
3 13 with the department or the appropriate county conservation
3 14 board, for the management of the lands. All lands purchased
3 15 shall be for public use, and not for private commercial
3 16 purposes, but the authority may permit the expenditure of
3 17 private funds for the improvement of land or water adjacent to
3 18 or purchased by the authority. All surveys and plats of lands
3 19 purchased by the authority shall be filed in the manner
3 20 provided in section 461A.22. Land purchased by the authority
3 21 shall be managed and policed in the manner provided under
3 22 agreements between the authority and the agency responsible
3 23 for management of the property, except that, subject to the
3 24 restrictions contained in chapter 455B, the authority shall
3 25 not be required to obtain the prior permission of the natural
3 26 resource commission when using private funds to establish land
3 27 or water recreational areas, and any property purchased by the
3 28 authority shall not be sold without the prior notification and
3 29 consent of the authority.

3 30 3. MISSOURI RIVER PRESERVATION AND LAND USE FUND. A
3 31 Missouri river preservation and land use fund is established
3 32 in the office of treasurer of state, to be administered by and
3 33 subject to the use of the authority for the purposes
3 34 established in subsection 2. The Missouri authority may
3 35 accept gifts, grants, bequests, other moneys including but not
4 1 limited to state or federal moneys, and in-kind contributions
4 2 for deposit in the fund for the use of the authority to carry
4 3 out the authority's mission. Gifts, grants, and bequests from
4 4 public and private sources, state and federal moneys, and
4 5 other moneys received by the authority shall be deposited in
4 6 the fund and any interest earned on the fund shall be credited
4 7 to the fund to be used for the purposes specified in
4 8 subsection 2. Notwithstanding section 8.33, any unexpended or
4 9 unencumbered moneys remaining in the fund at the end of a
4 10 fiscal year shall not revert, but shall remain available for
4 11 expenditure by the authority in succeeding fiscal years.

4 12 Sec. 2. Section 456A.14, Code 2003, is amended to read as
4 13 follows:

4 14 456A.14 TEMPORARY APPOINTMENTS == PEACE OFFICER STATUS.

4 15 The director may appoint temporary officers for a period
4 16 not to exceed six months and may adopt minimum physical,
4 17 educational, mental, and moral requirements for the temporary
4 18 officers. Chapter 80B does not apply to the temporary
4 19 officers. Temporary officers have all the powers of peace
4 20 officers in the enforcement of this chapter and chapters 321G,
4 21 456B, 461A, 461B, 462A, 462B, ~~463B~~, 465C, 481A, 481B, 482,
4 22 483A, 484A, and 484B, and the trespass laws.

4 23 Sec. 3. Section 456A.24, subsection 12, Code 2003, is
4 24 amended to read as follows:

4 25 12. Adopt rules authorizing officers and employees of the
4 26 department who are peace officers to issue warning citations
4 27 for violations of this chapter and chapters 321G, 350, 456B,
4 28 457A, 461A through 461C, 462A, 462B, ~~463B~~, 464A, 465A through
4 29 465C, 481A, 481B, 482, 483A, 484A, and 484B.

4 30 Sec. 4. Section 461A.78, Code 2003, is amended to read as

4 31 follows:

4 32 461A.78 METHOD NOT EXCLUSIVE.

4 33 This division shall not be the exclusive method for
4 34 establishing a water recreational area and shall not be
4 35 construed to prohibit the establishment of public recreational
5 1 areas by the ~~Missouri river preservation and land use loess~~
5 2 ~~hills development and conservation~~ authority under chapter
5 3 ~~463B~~ 161D.

5 4 Sec. 5. Section 481A.1, unnumbered paragraph 1, Code 2003,
5 5 is amended to read as follows:

5 6 Words and phrases as used in this chapter and chapters 350,
5 7 456A, 456B, 457A, 461A through 461C, 462A, 462B, ~~463B~~, 464A,
5 8 465A through 465C, 481B, 482, 483A, 484A, and 484B and such
5 9 other chapters as relate to the subject matter of these
5 10 chapters shall be construed as follows:

5 11 Sec. 6. Chapter 463B, Code 2003, is repealed.

5 12 Sec. 7. TRANSITION.

5 13 1. Before July 1, 2003, the Missouri river preservation
5 14 and land use authority shall cooperate with the loess hills
5 15 development and conservation authority in planning for the
5 16 transfer of all records, equipment, and properties, and the
5 17 administration of the Missouri river preservation and land use
5 18 fund, to the loess hills development and conservation
5 19 authority on July 1, 2003.

5 20 2. Effective July 1, 2003, the Missouri river preservation
5 21 and land use authority is abolished and the terms of office of
5 22 members of the Missouri river preservation and land use
5 23 authority shall expire on that date. All actions taken by the
5 24 Missouri river preservation and land use authority pursuant to
5 25 chapter 463B before July 1, 2003, remain in effect until
5 26 modified or rescinded by actions of the loess hills
5 27 development and conservation authority on or after July 1,
5 28 2003, pursuant to this Act.

5 29 Sec. 8. EFFECTIVE DATE. Section 7 of this Act, being
5 30 deemed of immediate importance, takes effect upon enactment.

5 31 HF 234

5 32 av/es/25